

Appendix "L" Letter of Agreement Pertaining the Adjustment of Echelon 18 for Every Salary Scale

Appendix "R" Sectorial Committee

1424

Gouvernement du Québec

**O.C. 608-97, 7 May 1997**

Charter of the French language  
(R.S.Q., c. C-11)

**Exemption granted to children staying in Québec temporarily**

Regulation respecting the exemption from the application of the first paragraph of section 72 of the Charter of the French language that may be granted to children staying in Québec temporarily

WHEREAS the Government made the Language of Instruction (Temporary Residents) Regulation by Order in Council 2820-84 dated 19 December 1984;

WHEREAS it is expedient to replace that Regulation;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 18 December 1996, with a notice that it could be made by the Government upon the expiry of a 45-day period following that publication;

WHEREAS following the comments received, amendments have been made to that draft Regulation;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Education:

THAT the Regulation respecting the exemption from the application of the first paragraph of section 72 of the Charter of the French language that may be granted to children staying in Québec temporarily, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

**Regulation respecting the exemption from the application of the first paragraph of section 72 of the Charter of the French language that may be granted to children staying in Québec temporarily**

Charter of the French language  
(R.S.Q., c. C-11, s. 85)

**1.** A child who comes to Québec for a temporary stay and who is in one of the following situations is exempted from the application of the first paragraph of section 72 of the Charter of the French language (R.S.Q., c. C-11):

(1) he holds a certificate of acceptance issued under section 3.2 of the Act respecting immigration to Québec (R.S.Q., c. I-0.2);

(2) he holds an employment authorization or a student authorization issued in accordance with the Immigration Act (R.S.C. (1985), c. I-2);

(3) he is exempted from the obligation to hold a certificate of acceptance, an employment authorization or a student authorization under a statute applicable in Québec;

(4) he is a dependent child of a foreign national who holds a certificate of acceptance;

(5) he is a dependant child of a foreign national who holds an employment authorization or a student authorization issued in accordance with the Immigration Act (R.S.C. (1985), c. I-2);

(6) he is a dependent child of a foreign national who is exempted from the obligation to hold a certificate of acceptance, an employment authorization or a student authorization under a statute applicable in Québec;

(7) he is a Canadian citizen or permanent resident domiciled in another Canadian province or a territory of Canada or is a dependent child of such Canadian citizen or permanent resident, who comes to Québec to study or work.

In order to be granted an exemption, the following documents and information shall be filed:

(1) the certificates or authorizations referred to in subparagraphs 1, 2, 4 and 5 of the first paragraph;

(2) where applicable, a document issued by a competent authority in immigration, certifying

(a) that the child or the foreign national who has charge of him is exempted under subparagraph 3 or 6 of

the first paragraph and specifying the duration of the stay; or

(b) that a permanent resident referred to in subparagraph 7 of the first paragraph is a permanent resident within the meaning of the Immigration Act;

(3) a document demonstrating that the child is a dependent child of a foreign national referred to in subparagraphs 4 to 6 of the first paragraph or of a Canadian citizen or permanent resident referred to in subparagraph 7 of the first paragraph;

(4) where applicable, the following sworn declarations:

(a) one by the Canadian citizen or permanent resident referred to in subparagraph 7 of the first paragraph, certifying that their stay is temporary;

(b) one by the person in charge of the educational establishment that will be attended or by the employer, confirming that the studies or employment are temporary.

Notwithstanding the foregoing, where refugee status within the meaning of the Immigration Act is sought for the child or the foreign national he is accompanying or if the child or foreign national he is accompanying obtains a selection certificate issued under section 3.1 of the Act respecting immigration to Québec, the exemption may not be granted or, as the case may be, ceases to have effect on 30 June of the school year during which refugee status is sought or during which the selection certificate is issued.

In addition, the exemption referred to in subparagraph 7 of the first paragraph shall not last more than 3 years.

In this Regulation, “foreign national” has the meaning assigned to it by section 2 of the Act respecting immigration to Québec and the expression “dependent child” refers to the child of a foreign national or his spouse’s child, the child of a member of the Canadian Armed Forces or his spouse’s child, or the child of a Canadian citizen or permanent resident or his spouse’s child.

**2.** A child who is not a Canadian citizen and who stays in Québec temporarily because he is a dependent child of a person who is not a Canadian citizen and who is assigned to Québec temporarily as a representative or officer of a country other than Canada or of an international organization shall be exempted from the application of the first paragraph of section 72 of the Charter if the following documents are filed:

(1) proof that the person is registered with the competent government department;

(2) an affidavit by that person attesting to the planned duration of his stay in Québec, from the date of his arrival; and

(3) a document demonstrating that the child is a dependent child of that person or of his spouse.

**3.** A child who stays in Québec temporarily because he is a dependent child of a member of the Canadian Armed Forces who is assigned to Québec temporarily shall be exempted from the application of the first paragraph of section 72 of the Charter if an affidavit by the employer certifying that the parent is a member of the Canadian Armed Forces and that he is assigned to Québec temporarily and a document demonstrating that the child is a dependent child of that Armed Forces member are filed.

Such exemption shall not last more than 3 years.

**4.** Every application for exemption from the application of the first paragraph of section 72 of the Charter by reason of a temporary stay in Québec shall be submitted to a school organization and shall be accompanied by

(1) every document which must be filed under this Regulation; and

(2) a birth certificate of the child, mentioning his parents’ names or, failing that, any other official document issued by a competent authority and attesting to the child’s date of birth, sex and filiation.

A school organization that receives an application for exemption shall forward it within a reasonable time, with the required documents, to a person empowered by the Minister of Education to verify and decide on children’s eligibility for instruction in English under section 75 of the Charter.

**5.** Where an application for exemption is incomplete because the required information or documents have not been provided, the designated person shall so notify in writing the person who made the application informing him of the missing information or documents and of the time allotted to rectify the omission. A copy of such notice shall be forwarded to the school organization.

If the required information or documents have not been submitted within 90 days following the date of the mailing of the notice, the designated person shall decide on the application as forwarded to him.

**6.** The designated person shall inform in writing the person who made the application of his decision on the

child's eligibility for instruction in English. If the child is declared eligible, the designated person shall issue an authorization.

The designated person shall inform the school organization of his decision in writing.

**7.** Subject to the third and fourth paragraphs of section 1 and the second paragraph of section 3, an exemption is valid for the validity period of the certificate of acceptance, employment authorization or student authorization or for the duration of the temporary stay. It shall cease to have effect on 30 June of the school year in which the temporary stay ends or, as the case may be, in which the maximum 3-year period provided for in sections 1 and 3 ends.

An exemption may be renewed, provided that the conditions that applied to the original application are still met.

**8.** This Regulation replaces the Language of Instruction (Temporary Residents) Regulation, made by Order in Council 2820-84 dated 19 December 1984. Notwithstanding the foregoing, an exemption granted under the former Regulation shall remain effective for the period for which it was granted.

**9.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

## O.C. 620-97, 7 May 1997

An Act respecting correctional services  
(R.S.Q., c. S-4.01)

### Houses of detention — Amendments

Regulation to amend the Regulation respecting houses of detention

WHEREAS under paragraphs *f* and *t* of section 23 of the Act respecting correctional services (R.S.Q., c. S-4.01), the Government may, by regulation, regulate discipline in houses of detention and in particular determine who may be members of a committee on temporary absence;

WHEREAS the Government made the Regulation respecting houses of detention (R.R.Q., 1981, c. P-26, r.1) and it is expedient to amend it;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* on 12 February 1997 with a notice that it could be made by the Government upon the expiry of a 45-day period following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Public Security:

THAT the Regulation to amend the Regulation respecting houses of detention, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting houses of detention

An Act respecting correctional services  
(R.S.Q., c. S-4.01, s. 23, pars. *f* and *t*)

**1.** The Regulation respecting houses of detention (R.R.Q., 1981, c. P-26, r.1), amended by the Regulations made by Orders in Council 2209-83 dated 26 October 1983, 1986-87 dated 22 December 1987, 1471-88 dated 28 September 1988, 791-89 dated 24 May 1989 and 1871-92 dated 16 December 1992, is further amended by substituting the following for section 40:

“**40.** The committee on discipline has 2 members who are designated by the warden from among the officers.”.

**2.** Section 41 is amended

(1) by deleting paragraphs *a* and *d*;

(2) by adding the following after paragraph *f*:

“(g) if the committee members cannot reach a unanimous decision, a new hearing shall be held before a committee composed of 3 new members appointed by the warden. That new hearing shall be held within 16 working hours after the warden is informed that a decision cannot be made. The decision shall then be taken by a majority vote.”.

**3.** The following is substituted for section 60: